

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23719 of 2022

Arising Out of PS. Case No.-360 Year-2021 Thana- MASAUDHI District- Patna

Rekha Devi W/o Ajay Giri Resident of Village - Sati Asthan, P.S.- Masaudhi,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26486 of 2022

Arising Out of PS. Case No.-360 Year-2021 Thana- MASAUDHI District- Patna

Chhotu Kumar @ Md. Nausad Son of Late Zamiruddin R/o Village-
Kahmirganj, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23719 of 2022)

For the Petitioner/s : Mr. Harish Kumar, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

(In CRIMINAL MISCELLANEOUS No. 26486 of 2022)

For the Petitioner/s : Mr. Anil Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-09-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with
Masaudhi P.S. Case No. 360 of 2021 lodged under Sections

302/34 of I.P.C

As per the prosecution case, the informant is the father of the deceased who has made allegation in the F.I.R that at about 10:00 P.M of 25.07.2021, he entered into the room of his son on the cry of his daughter-in-law then seen that his son was died there. The allegation made by the informant upon daughter-in-law that he along with Chhotu (petitioner of second case) were in illicit relation with each other and used to come continuously at the house of his son. Upon oppose, his daughter-in-law used to abuse him. He has made allegation that due to behave of his daughter-in-law, his grandson Sonu Kumar suicide. He specifically stated that at about 09:00 P.M, he has seen his daughter-in-law with Chhotu. He has narrated in the F.I.R. that he has full faith that his daughter-in-law and Chhotu have killed his son in convenience with each other by knife.

Learned counsel for the petitioner of first case submits that petitioner is the widow and lady whose husband is died in this case. He submits that petitioner is quite innocent and has committed no offence. He further submits that there is no eye witness of the event. He submits that petitioner is in custody since 27.07.2021, charge sheet has already been filed in this case. Learned counsel for the petitioner also submits that there

is no criminal antecedent of this petitioner.

Counsel for the petitioner of the second case submits that the petitioner is innocent and has committed no offence. He is basically a stranger for the family and has nothing to do with this event.

Learned counsel for the petitioner further submits that the allegation of illicit relation with the daughter-in-law of the informant and petitioner is not correct. He submits that the petitioner is already a married person, only due to suspicion his name has given in the present F.I.R. He submits that a false case has been lodged against him only with a view to grab his landed property. He also submits that there is absolutely no eye witness and no cogent materials available on the basis of which the murder can be proved. He further submits that petitioner belong to Muslim religion and the daughter-in-law of the informant belongs to Hindu religion and both are already married and both having children. He also submits that F.S.L report of alleged weapon is prepared at the instance of the prosecution. The blood stain on the weapon and the blood stain on the paint of the petitioner are different. He submits that petitioner is in judicial custody since 27.07.2021 having only one criminal case pending against him under Section 498(A) of I.P.C.

Learned counsel for the State opposes the prayer for bail and submits that there are sufficient material in the case diary against the petitioners.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is true that there is no eye witness of the said occurrence but it is also true that the weapon used in the crime has been recovered on the confessional statement of the accused person. It has also been revealed that there are series of witnesses in the F.I.R. who have supported about the illicit relation between these two petitioners.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners. The petitioners may prayer their bail 3 months after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J)

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